

Appln. No.: 10/005,241  
Amendment dated December 24, 2003  
Reply to Office Action of September 24, 2003

### REMARKS/ARGUMENTS

The office action dated September 24, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Applicants thank the Examiner for clarifying and providing helpful comments with respect to the pending Office Action.

Claims 1-18 remain pending in this application. Claims 1, 3-6, 8, 10, 12-14 and 17-18 have been amended. The claims are amended to address formal matters raised or identified in or after the final office action. No new matter has been added. Support for these amendments can be found in specification and the claims as originally filed. This amendment is not intended to affect the scope of the other claims of the application.

#### Claim Rejections Under 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112, first paragraph. The Office Action states that the specification, while being enabling for the production of multiple phase composite materials, does not reasonably provide enablement for the process as generically claimed. Applicants understand this rejection to relate to whether the claims may encompass single-phase composite materials, in addition to multiple phase composite materials. The claims are directed to a process for producing fibrous monolith composite materials, a process for consolidation and densification of fibrous monolith composite materials, and a method for manufacturing an article comprised of fibrous monolithic composite materials. Fibrous monolith and fibrous monolithic composite are defined in the specification as a material that has at least a cell phase surrounded by a boundary phase, e.g., a material having at least two phases. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-5, 7-14 and 17 stand rejected under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement. The Office Action states that the original specification does not provide support for the limitation of heating at a pressure "of no more than about 30 psi". Claims 1-5, 7-14 and 17 have been amended to clarify that the pressure is between about 1 to about 30 psi. Support for this amendment can be found at least at claim 3 as originally filed. Reconsideration and withdrawal of this rejection are respectfully requested.

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Claims 3-5 and 12-14 stand rejected under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement. The Office Action states that the original specification does not provide support for the limitation which recites "wherein the second uniformly suspended mixture forms essentially a continuous phase in the composite". This rejection is respectfully traversed. The specification at least at page 6, lines 9-11, discloses that "[t]he boundary phase is disposed between the various individual cell phases, forming a separate layer between the cell phase and surrounding cell phases when a plurality of fibers are formed in a fibrous monolithic composite." Consistent with this disclosure, the claims have been amended to clarify that the second uniformly suspended mixture forms essentially a separate phase between the central portions of the one or more filaments. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-18 stand rejected under 35 U.S.C. 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-18 have been amended to clarify the antecedent basis of certain claim terms and to correct any possible inconsistencies between numbers (singular versus plural) and terminology. Additionally, with respect to claim 6, the claim has been amended to clarify that the sintered article includes the fibrous monolithic composite materials from which it was formed.

The Office Action at paragraph 5, page 4, refers to 35 U.S.C. 103(a) but does not set forth grounds for any specific rejection under 35 U.S.C. 103(a). Applicants thus assume that no rejection was intended at paragraph 5, so that no response is required.

Claims 1-6 stand rejected under 35 U.S.C. 112, first paragraph. The Office Action states that Applicants' arguments filed on May 28, 2003 are not persuasive. The basis for this prior rejection has now been clarified in the instant Office Action and Applicants better understand the rejection. Claims 1, 3 and 6 have been amended to incorporate the word "composite" as suggested by the Examiner. Reconsideration and withdrawal of this rejection are respectfully requested.

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### CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

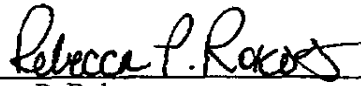
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: December 24, 2003

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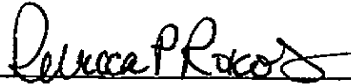
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